

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 21, 2010
Electronic Signature for /Anthony G. Fussner/ Anthony G. Fussner, Reg. No. 47,582:

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/597,192

Filing Date: October 28, 2008

Adjustment date: 06/25/2010 CKHLDK
06/22/2010 INTFSW 00001754 080750 10597192
01 FC:1464 130.00 CR
02 FC:1801 810.00 CR

Applicant: Anders Thornell-Pers

Group Art Unit: 2821

Confirmation No. 7508

Examiner: Shih Chao Chen

Title: ANTENNA DEVICE AND PORTABLE RADIO COMMUNICATION DEVICE COMPRISING SUCH AN ANTENNA DEVICE

Attorney Docket: 9062K-000105/US/NP

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 CFR § 1.313(c)(2) AFTER PAYMENT OF ISSUE FEE

Sir:

On May 5, 2010, Applicant paid the issue fee.

On June 2, 2010, the USPTO mailed an issue notification indicating that this Application will issue as U.S. Patent 7,741,998 on June 22, 2010 (tomorrow).

Applicant now files this Petition to request the USPTO to withdraw the Application from issue, in order to have the USPTO consider Applicant's Request for Continued Examination (RCE) filed herewith. This RCE is being filed under 37 C.F.R. § 1.114 (a), which states that "If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (1) Payment of the issue fee, unless a

petition under § 1.313 is granted." This RCE is being filed along with a Supplemental Information Disclosure Statement to disclose two Japanese Laid-Open Patent Publications H11-068456 and H08-186404, which were the only two documents cited in an Office Action from co-pending Japanese patent application 2006-551007 (now published as 2007-520955). The instant application and co-pending Japanese patent application No. 2006-551007 both claim priority to Sweden application No. 0400203-6 (Issued as SE0400203-6, now abandoned). Applicant's undersigned attorney (Anthony G. Fussner) was not aware of this Japanese Office Action until first becoming aware of the same today (June 21, 2010) upon receiving a letter from the foreign associate responsible for the prosecution of the Japanese patent application 2006-551007.

For the USPTO's convenience only, Applicant provides an English translation of the rejections in the Japanese office action (which rejections Applicant does not necessarily agree with). Claims 1-5 and 10-12 of Japanese patent application 2006-551007 have been rejected due to lack of inventive step over Japanese Laid-Open Patent Publication H11-068456, which discloses a surface mounting antenna comprising a frequency switching means with a diode, by which a plurality of resonance frequencies are obtained. Claims 2 and 6-8 of Japanese patent application 2006-551007 have been rejected due to lack of inventive step over Japanese Laid-Open Patent Publications H11-068456 and H08-186404 on the grounds that claims 2 and 6-8 are usually used well known technology in the art as described in Japanese Laid-Open Patent Publications H11-068456 and H08-186404. Claim 9 of Japanese patent application 2006-551007 is not rejected at present.

Applicant hereby requests the USPTO to withdraw the Application from issue and consider the RCE filed herewith.

Applicant believes that the correct fees (\$130 Petition Fee under 37 C.F.R. § 1.17(h) and \$810 RCE fee under 37 C.F.R. § 1.17(e)) have been included with this filing. If Applicant owes any additional fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 08-0750. In addition, if there is ever any other

fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 08-0750. In addition, Applicants hereby request the United States Patent & Trademark Office treat any concurrent or future reply requiring a petition for extension of time pursuant to §1.136 for its timely submission as incorporating therein a petition for an extension of time for the appropriate length of time and authorizes the Commissioner to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 08-0750.

Respectfully submitted,

/Anthony G. Fussner/

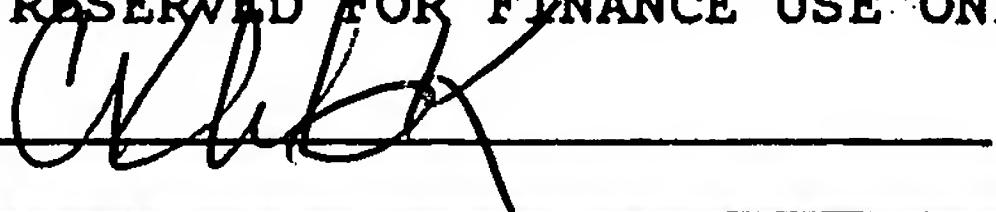
Dated: June 21, 2010

By: _____

Anthony G. Fussner
Reg. No. 47,582

Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme, Ste. 400
St. Louis, MO 63105
(314) 726-7500

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>06/24/10</u>		2 Serial/Patent # <u>10/597,192</u>			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
<input type="checkbox"/>	Filing			\$	
<input type="checkbox"/>	Amendment			\$	
<input type="checkbox"/>	Extension of Time			\$	
<input type="checkbox"/>	Notice of Appeal/Appeal			\$	
<input checked="" type="checkbox"/>	Petition 1464			\$	130.00
<input type="checkbox"/>	Issue			\$	
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$	
<input type="checkbox"/>	Maintenance			\$	
<input type="checkbox"/>	Assignment			\$	
<input checked="" type="checkbox"/>	Other 1801			\$	810.00
		7 TOTAL AMOUNT OF REFUND	\$ 940.00		
8 TO BE REFUNDED BY:					
10 REASON:		<input type="checkbox"/> Treasury Check <input checked="" type="checkbox"/> Credit Deposit A/C #: 9 0 8 -- 0 7 5 0			
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Duplicate Payment	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	No Fee Due (Explanation): The petition is dismissed as moot. The petition was filed too late; therefore, no petition is needed.				
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME:		Irvin Dingle		TITLE: Paralegal	
SIGNATURE:		/Irvin Dingle/		PHONE: 2-3210	
OFFICE:		Petitions			
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****					
APPROVED:				DATE: <u>6/25/10</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	10/597,192
<i>Filing Date</i>	October 28, 2008
<i>First Named Inventor</i>	Anders Thornell-Pers
<i>Art Unit</i>	2821
<i>Examiner Name</i>	Shih Chao Chen
<i>Attorney Docket Number</i>	9062K-000105/US/NP

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114**

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. Other _____

b. Enclosed

i. Amendment/Reply
ii. Affidavit(s)/Declaration(s)

iii. Information Disclosure Statement (IDS)
iv. Other Petition to Withdraw Application from Issue

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.08-0750

i. RCE fee required under 37 C.F.R. 1.17(e)
ii. Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii. Other _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Anthony G. Fussner/	Date	June 21, 2010
Name (Print /Type)	Anthony G. Fussner	Registration No. (Attorney/Agent)	47,582

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).:

Signature	/Anthony G. Fussner/	Date	June 21, 2010
Name (Print /Type)	Anthony G. Fussner		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	10/597,192
<i>Filing Date</i>	October 28, 2008
<i>First Named Inventor</i>	Anders Thornell-Pers
<i>Art Unit</i>	2821
<i>Examiner Name</i>	Shih Chao Chen
<i>Attorney Docket Number</i>	9062K-000105/US/NP

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. Other _____

b. Enclosed

i. <input type="checkbox"/> Amendment/Reply	iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)	iv. <input checked="" type="checkbox"/> Other <u>Petition to Withdraw Application from Issue</u>

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. Other _____

3. Fees The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-0750

i. RCE fee required under 37 C.F.R. 1.17(e)
ii. Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii. Other _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Anthony G. Fussner/	Date	June 21, 2010
Name (Print /Type)	Anthony G. Fussner	Registration No. (Attorney/Agent)	47,582

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4):

Signature	/Anthony G. Fussner/	Date	June 21, 2010
Name (Print /Type)	Anthony G. Fussner		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.